

UNITED STATES DISTRICT COURT
EASTERN DISTRICT of MICHIGAN
SOUTHERN DIVISION

10-20566

JARRIS JARROD SMITH
PETITIONER

V.

UNITED STATES of AMERICA
RESPONDENT

MOTION; Response to the Court's Order;
Explaining why Notice of Appeal was untimely.

1. The District Court entered its order denying the motion for Compassionate Release on August 3, 2020.
2. The Court then gave me (14) days to file a

notice of Appeal; counting the time it took to get to me in the mail. Thus making the time for filing the appeal expiring on August 17, 2020.

3. Petitioner reminds the court that Jesup CI has been in lockdown since March 31, 2020; due to the Covid-19 pandemic. During this time, the Education Department, which houses the "Law Library", was closed, and did not re-open until August 24, 2020.
4. Although petitioner was able to timely file its Notice of Appeal and give it to Jesup mail staff on August 14, 2020. Petitioner would also remind the court that during this time, officer's was contaminated and irregularities occurred from are feeding, medical treatment, and of course mail as well.
5. Petitioner timely filed his appeal; and has no way to have done anymore as 'he' is locked behind the doors (23) hours a day. I'm sure the long hours and physical requirements that the staff now had to take on, has greatly affected their moral and quality of work, which could speak for the delay in processing.
6. All the petitioner has to say is, he did all that was known to him to do in the mailing legal mail. He would hope that this court would not hold him responsible for the untimeliness of the mail room; and getting the Notice of Appeal to this court. Although, petitioner is sure that

that this Court has a experience in regularities in what would be their normal operations due to Covid-19. It would be wholly, arbitrary, Capricious, and cruel and unusual punishment, for this Court to deny me the due process, wherein; I am locked down (23) hours and can not do anymore today then what I did August 14, 2020; and that is, to complete the requirements of the Court, and again; turn it over to the c/o tonight.

NOTE:

Jesup F.C.I is locked down indefinitely due to another outbreak of Covid-19, until further notice.

Certificate of Service

I hereby placed the foregoing motion to the Court on November 18, 2020 in F.C.I Jesup [staff] for the mailing in accordance with the Court's orders and *Houston v. Lack*

Mr. Jarvis J. Smith #44940-039
Mr. Jarvis Smith #44940-039
F.C.I Jesup
2680 Highway 301 South
Jesup, GA 31599

pg 4 of 4

cc: Mr. John B. Meixner Jr.
United States Attorney's office
211 W. Fort Street
Suite 2001
2412
Detroit, MI 48226

cc: Mr. John N. O'Brien II
United States Attorney's office
211 W. Fort Street
Suite 2001
Detroit, MI 48226

Jarris J. Smith # 44940-039

Federal Correctional Institution

FCI Jessup

2080 Hwy 301 South

Jessup, Ga 31599

FCI JESUP

NOV 20 2020

Mail Room/R&D

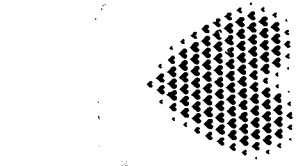
DEC - 2 2020

11/20/20

JACKSONVILLE FL 320
20 NOV 20 2020 PM 3 L

RECEIVED

11/20/20



THE FOLLOWING INFORMATION IS FOR THE USE OF THE MAIL ROOMS ONLY. IF THE MAIL ROOMS DO NOT HAVE THE INFORMATION, PLEASE RETURN THE MAIL TO THE ADDRESSER.

48226

Detroit, Michigan 48226

331 W Lafayette Blvd. Room 504

Theodore Levin United States Court House

Eastern District of Michigan
Office of the Clerk

U.S. DISTRICT COURT
United States District Court